

UNITED STATES BANKRUPTCY COURT**NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION****IN RE:**

David M Seymour
Alexzandria Seymour

Debtors

Case No.: 19-80162

Chapter: 7

Hearing Date: 2/13/19

Judge Thomas M. Lynch

NOTICE OF MOTION

TO: Joseph D. Olsen, Trustee, 1318 E. State Street, Rockford, IL 61104 by electronic notice through ECF
 David M Seymour, Alexzandria Seymour, Debtors, 3080 Hamlin Dr., Machesney Park, IL 61115
 Richard O. Ainsworth, Attorney for Debtors, 475 Executive Parkway, Rockford, IL 61107 by electronic notice through ECF

PLEASE TAKE NOTICE that on 2/13/19, at 9:00AM, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Thomas M. Lynch, Bankruptcy Judge, in the courtroom usually occupied by him/her at the 327 South Church Street, Rockford, Illinois 61101, room 3100, or before any other Bankruptcy Judge who may be sitting in his/her place and stead, and shall then and there present this Motion of the undersigned, a copy of which is attached hereto and herewith served upon you, and shall pray for the entry of an Order in compliance therewith, at which time you may appear if you so desire.

PROOF OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed above, as to the Trustee and Debtor's attorney via electronic notice on February 6, 2019 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on February 6, 2019.

/s/ Laura A. Hrisko
Attorney for Movant

Berton J. Maley ARDC#6209399
 Rachael A. Stokas ARDC#6276349
 Gloria C. Tsotsos ARDC#6274279
 Peter C. Bastianen ARDC#6244346
 Joel P. Fonferko ARDC#6276490
 Laura A. Hrisko ARDC#6230993
Codilis & Associates, P.C.
 15W030 North Frontage Road, Suite 100
 Burr Ridge, IL 60527
 (630) 794-5300
C&A FILE (14-18-13677)

NOTE: This law firm is a debt collector.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on February 6, 2019 and as to the debtor by causing same to be mailed in a properly addressed envelope, postage prepaid, from 7140 Monroe Street, Willowbrook, IL 60527 before the hour of 5:00 PM on February 6, 2019.

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/s/ Laura A. Hrisko
Attorney for Movant

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IN RE:

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Debtors | Judge Thomas M. Lynch

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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES Nationstar Mortgage LLC d/b/a Mr. Cooper (hereinafter "Movant"), by and through its attorneys, Codilis & Associates, P.C., and moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois;

2. The Debtors are indebted to Movant for which the Movant claims a valid security interest in the property commonly known as 3080 Hamlin Dr, Machesney Park, IL 61115;

3. This security interest arose from a Note and Mortgage, executed on 8/23/2017, in the amount of \$143,083.00;

4. Enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. §362 of the Bankruptcy Code upon Debtors filing of this petition on 1/26/19;

5. Movant is entitled to relief from the automatic stay under 11 U.S.C. §362(d) for the following reasons:

a. The Debtors are in default in the performance of the terms and conditions of said Note and Mortgage;

- b. As of 02/04/2019, the Debtors are contractually due for the 9/1/18 payment and all amounts coming due since that date. Any payments received after this date may not be reflected in this default;
- c. As of 02/04/2019, the estimated default through and including 2/1/19 is \$12,507.90, which includes attorney fees and costs in the amount of \$931.00. Any payments received after this date may not be reflected in this default;
- d. As of 02/04/2019, the estimated payoff amount is \$148,482.37. The estimated fair market value of the property is \$150,893.00, per Price Opinion based on comparables. That to the best of Movant's knowledge, no non-exempt equity exists in the subject property or any equity that does exist is so insubstantial as to be of little or no benefit or burdensome to the estate;
- e. The above is especially true when considering the cost of selling the property, as outlined below:

Fair Market Value: \$150,893.00

Less Lien Payoff and Cost of Sale:

Estimated Payoff: \$148,482.37

Payoff of Other Liens:

Broker's Commission (6% of FMV): \$9,053.58

Other Closing Costs (estimated): \$2,000.00

Net Proceeds of Sale: (\$8,642.95)

(assuming no capital gains need to be paid)

(Please note: From these proceeds, Debtors would be entitled to be paid \$30,000.00 representing the homestead exemption)

6. Movant has incurred attorney fees and/or costs in connection with this bankruptcy proceeding which have been included in the calculation of any default figures quoted herein including:

\$750.00 for Preparation of Notice and Motion for Relief
from the Automatic Stay, and prosecution of same
\$181.00 for Court filing fee

7. Pursuant to Debtor's filed Statement of Intention, the property known as 3080 Hamlin Dr, Machesney Park, IL 61115 is to be surrendered;

8. The Court has authority to order that Rule 4001(a)(3) is not applicable to the order entered in granting this motion, and Movant requests this Court so order;

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper prays this Court enter an Order pursuant to 11 U.S.C. §362(d) modifying the automatic stay as to Movant, allowing the fees and costs described herein to be added to the indebtedness pursuant to the terms of the note and mortgage, and for such other and further relief as this Court may deem just and proper.

Dated this February 6, 2019.

Respectfully Submitted,

Codilis & Associates, P.C.

By: /s/ Laura A. Hrisko

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